

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

AMY L. GABEL,

Plaintiff,

v.

MILLERCOORS,

Defendant.

---

ORDER

14-cv-489-jdp

Plaintiff Amy Gabel has filed a notice of voluntary dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Dkt. 49. Gabel indicates that she wants to dismiss this case with prejudice and without costs or fees to either party. But the provision of Rule 41 to which Gabel cites allows dismissal without a court order *only* if the opposing party has not yet filed an answer. Defendant MillerCoors answered Gabel's amended complaint on January 27, 2015. Dkt. 13. Thus, this provision of Rule 41 is no longer available to Gabel.

I will construe Gabel's filing as a motion to dismiss under Rule 41(a)(2), which allows Gabel to move for a court order dismissing her case "on terms that the court considers proper." Gabel has asked that I dismiss this case with prejudice, meaning that she will not be able to bring another lawsuit in the future to assert the claims that she has alleged in this case. I consider these terms to be proper. But because I have converted Gabel's notice of dismissal into a motion under Rule 41(a)(2), I will give the parties a brief opportunity to object to my dismissal of the case on these terms. If neither party responds within seven days of this order, then I will dismiss this case with prejudice and without costs or fees to either party.

ORDER

IT IS ORDERED that the parties may have until October 30, 2015, to object to dismissal of this case. If neither party responds by this deadline, then I will dismiss this case with prejudice and without costs or fees to either party.

Entered October 23, 2015.

BY THE COURT:

/s/

---

JAMES D. PETERSON  
District Judge